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## BEFORE THE GUAM CIVIL SERVICE COMMISSION BOARD OF COMMISSIONERS



IN THE MATTER OF:	GRIEVANCE APPEAL
RONNIE P. CHIGUINA,	) CASE NO.: 17-GRE24
Employee,	DECISION AND ORDER
vs.	
GUAM FIRE DEPARTMENT,	
Management.	

This matter came before Civil Service Commission on January 30, 2018, as a grievance appeal of a the above-referenced Guam Fire Department ("GFD") employee, who claims he was passed over for a promotion to Fire Battalion Chief because Management did not issue him a proper certificate of completion for certain Necessary Special Qualification ("NSQ") training but instead issued a letter, which Department of Administration ("DOA") deemed unacceptable for purposes of promoting Employee.

Currently before the Commission are Employee's motions to compel certain discovery from GFD and non-party DOA. Based on a Commission vote of 4-0, the following action was taken with respect to the 3 subject motions to compel.

## 1. Motion 1:

Motion 1, filed December 7, 2017, seeks to compel discovery of documents "utilized for the recent promotions and newly changed requirements (necessary special 1 qualifications) of positions in the Guam Fire Department . . .". It would appear that GFD

responded to this request on December 19, 2017, producing certain electronic

correspondence. Employee's motion does not allege that Management's responses are

4 inadequate. Thus, Motion #1 is DENIED.

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## 2. Motions 2 and 3:

6 "Motions to Compel #2 and #3," also filed December 7, 2017, appear to be

7 discovery requests directed at nonparty DOA.

8 Motion to Compel Discovery #2 seeks discovery from DOA officers Shane Ngata

and Michael Schniep to provide testimony and produce standard operating procedures

and methodology for evaluating applicants or candidates based on criteria provided by

GFD or other government of Guam agencies.

Motion to Compel Discovery #3 seeks information that would "define or clarify

DOA's step 4 grievance review board's decision in the Employee's case."

In its December 19, 2017 response to Motions #2 and #3, GFD stated that it was

unable to meet the requests because they are specific to DOA.

The Commission finds that the requested discovery from DOA would be helpful in

understanding why Employee was deemed ineligible for the subject promotion despite

completing the requisite training. Thus, the Commission GRANTS these motions, at

least in part.

20 Pursuant to Grievance Rule G3, the Commission takes pains to assist parties who,

without counsel or a representative. The Commission notes that it enjoys broad

- 1 subpoena powers, by virtue of 4 GCA Section 4404, which are not limited to adverse
- 2 action matters. Thus, the Commission may, should it elect to do so in the future, compel
- 3 discovery or testimony from DOA, or other persons or entities, by subpoena.
- WHEREFORE, the motions are GRANTED IN PART AND DENIED IN PART, and 4
- 5 it is Ordered that the Department of Administration provide documents responsive to the inauiries
- following induires within ten (10) days of the date of this Order: 6
- 7 1. Documents relating to standard operating procedures and methodology for
- 8 evaluating applicants or candidates for promotion at GFD based on criteria provided by
- 9 GFD or other government of Guam agencies.
- 2. 10 Documents supporting, defining or clarifying DOA's step 4 grievance review
- board's decision in the Employee's case. 11
- If Employee or Management wish to subpoen aparticular witnesses to testify at the 12
- merits hearing for this grievance, they may seek subpoenas from the Commission in the 13
- customary manner. 14

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IT IS SO ADJUDGED on this 84 day of February

EDITH PANGEDINAN

Chairperson

PRISCILLA TUNCAP

Commissioner

JOHN

LOURDES HONG

Vice-Chairperson

Commissioner

CATHERINE GAYLE

Commissioner

Ronnie P. Chiguina vs. Guam Fire Department

Grievance Appeal Case No.: 17-GRE24

Order Compelling Discovery

